

Practitioner's Docket No. U 014996-9

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Ehud COHEN, et al

Application No.: 10/761,005

Group No.: 3735

Examiner: Navin Natnithithadha

Filed: January 20, 2004

For: LOW POWER CONSUMPTION IMPLANTABLE PRESSURE SENSOR

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**REQUEST AND FEE TO DELETE AND/OR  
ADD TO INVENTOR(S) ERRONEOUSLY NAMED OR NOT  
NAMED IN DECLARATION  
--NONPROVISIONAL APPLICATION--  
(37 C.F.R. SECTION 1.48(a))**

1. This Request is to correct under 37 C.F.R. Section 1.48(a) the inventor(s) originally named in the declaration filed on 20 JANUARY 2004 (date).

10/03/2007 ATRINH 00000038 10761005

01 FC:1464

130.00 0P

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office, to (571)-273-8300

Signature

Date: September 28, 2007

CLIFFORD J. MASS

(type or print name of person certifying)

2. Addition and/or Deletion of Inventor(s)

*(check and complete all applicable items)*

☒ Add the following previously unnamed person(s) as inventor(s) of this application:  
NIR BETSER

☐ Delete the following previously incorrectly named inventor(s) \_\_\_\_\_

3. Attached is

(a) A statement from:

*(check items below which apply)*

- ☒ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. Section 1.48(a)(1).  
☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. Section 1.48(a)(1).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. Section 1.63 (or as permitted by Sections 1.42, 1.43, OR 1.47). 37 C.F.R. Section 1.48(a)(2).

(c) written consent of the assignee *(if any of the original inventors executed an assignment)*. 37 C.F.R. Section 1.48(a)(5).

(d) (optional)

*(check the following item, if all the inventor(s) remaining after this Request is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)*

- ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. Fee Payment

The fee required by 37 C.F.R. Section 1.17(i) is paid as follows:

☐ [ X ] Enclosed is a check for \$130.00.

☒ Charge Account 12-0425 for any fee deficiency.

☐ Charge Account \_\_\_\_\_ the sum of \$130.00.

Reg. No. 30086

Tel. No.: 212-708-1890

Customer No.: 00140

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

*(type or print name of practitioner)*

\_\_\_\_\_  
P.O. Address

\_\_\_\_\_  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N. Y. 10023

## Practitioner's Dock

**U 014996-9**

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ehud COHEN, et al  
Serial No.: 10/761,005                      Group No.: 3735  
Filed: January 20, 2004                      Examiner: N. Natnithithadha  
For: LOW POWER CONSUMPTION INPLANTABLE PRESSURE SENSOR

**Commissioner for Patents**  
**P. O. Box 1450**  
**Alexandria, VA 22313-1450**

## TRANSMITTAL

**WARNING:** Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment - See § 1.704(c)(7).

1. Transmitted herewith is an amendment for this application.

## STATUS

2. The application is qualified as
- ☒ a small entity.
- ☐ other than a small entity.

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

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**37 C.F.R. 1.10\***

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Address"  
Mailing Label No.                      (mandatory)

## TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office, to (703) 872-9306

Date: September 28, 2007

**Signature**

CLIFFORD J. MASS

(type or print name of person certifying)

- Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment Transmittal—page 1 of 4) 9-19

## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: 37 C.F.R. § 1.704(b)". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

*(complete (a) or (b), as applicable)*

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$ 2,160.00	\$ 1,080.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

(b) ☒ Applicant believes that no extension of term is required. However, this is a conditional petition being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
(Col. 1)			(Col. 2)		(Col. 3)			
Claims Remaining After Amendment			Highest No. Previously Paid For		Present Extra		Addit. Fee	
					Rate		<i>O</i> <i>R</i>	
							Rate	
					Addit. Fee		Addit. Fee	
Total	*	Minus	**	=	x \$ 25	\$		x \$ 50=
Indep.	*	Minus	***	=	x \$ 100	\$		x \$ 200
<input type="checkbox"/> First Presentation of Multiple Dependent Claims					+ \$180=	\$		+ \$360=
					Total Addit. Fee	\$ __	<i>O</i> <i>R</i>	Total Addit. Fee
						\$__		\$__

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. 1.116(a) (emphasis added).  
 (complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

**OR**

- (d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

## FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ \_\_\_\_\_  
☐ Charge Account No. 12-0425 the sum of \$ \_\_\_\_\_  
 A duplicate of this transmittal is attached.

## FEE DEFICIENCY OR OVERPAYMENT

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

- ☒ Refund any overpayment to Account No. 12-0425.

Reg. No. 30086

Tel. No. 212-708-1890

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

(type or print name of practitioner)

\_\_\_\_\_  
P.O. Address

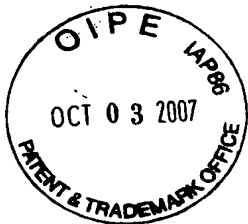
\_\_\_\_\_  
c/o Ladas & Parry LLP  
26 West 61 Street  
New York, N.Y. 10023

Customer No.:



00140

PATENT TRADEMARK OFFICE



70353

Practitioner's Docket No. U 014996-9

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ehud COHEN, et al

Application No.: 10/761,005

Group No.: 3735

Filed: January 20, 2004

Examiner: Navin Natnithithadha

For: LOW POWER CONSUMPTION IMPLANTABLE PRESSURE SENSOR

Patent\*: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Reexamination No.: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Reissue: \_\_\_\_\_

Issue Date: \_\_\_\_\_

\*NOTE: Insert name(s) of inventor(s) and title for patent.

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

NOTE: 37 CFR 3.73(b) states:

(1) "In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent ... property ... to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office, to (571)-273-8300

Date: 28 Sept 2007

Signature

CLIFFORD J. MASS

(Type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Statement under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action—page 1 of 4) 1-1c 16-16



- (1) *Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; or (ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).*
- (2) *The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:*
  - (i) *Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or*
  - (ii) *Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.*

(c) *For patent matters only:*

- (1) *Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.*
- (2) *If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership."*

NOTE: "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18." Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

#### IDENTIFICATION OF ASSIGNEE

2. BIOCONTROL MEDICAL LTD.

Name of assignee

CORPORATION

Type of assignee, e.g., corporation, partnership, university, government agency, etc.

NOTE: The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

(Statement under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action—page 2 of 4) 1-1c 16-16

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

(complete the following, if applicable)

- ☒ I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

#### BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at  
Reel 012960 Frame 0594
2. ☐ An assignment (document) separately being submitted for recordal herewith.

AND/OR

- B. ☐ A chain of title from the inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
Name of inventor(s)  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_
2. From: \_\_\_\_\_  
Name of inventor(s) or assignee  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_
3. From: \_\_\_\_\_  
Name of inventor(s) or assignee  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

(check item below, and add details, if applicable)

- ☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.


COPIES OF DOCUMENTS IN CHAIN OF TITLE

(complete this item, if copies are being sent)

☒ Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

<input type="checkbox"/>	A	<input type="checkbox"/>	1	<input type="checkbox"/>	2	
<input type="checkbox"/>	B	<input type="checkbox"/>	1	<input type="checkbox"/>	2	<input type="checkbox"/> 3

☒ 20 Sep 07  
date

☒   
Signature of authorized person  
☒ Eshed Cohen  
(type or print name of authorized person)  
☒ CEO  
Title of authorized person at assignee

BioControl Medical (B.C.M.) LTD.



353

Practitioner's Docket No. U 014996-9

PATENT

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

STATEMENT OF NON-DECEPTIVE INTENT BY PERSON BEING ADDED OR  
DELETED BY REQUEST (37 C.F.R. Section 1.48(a))

*NOTE: Nothing more than a simple statement is required. The examiner will determine only whether the statement contains the required language and will not make any comment as to whether or not it appears that there was in fact a deceptive intention. M.P.E.P., Section 1481, 7th Edition.*

I, the person who is being [ ] deleted [ X ] added as an inventor by the Request and Fee (37 C.F.R. Section 1.48(a)) being submitted to correct the inventorship of this application, declare that the inventorship error in failing to include my name or including my name as an inventor occurred without any deceptive intention on my part.

[ ] My addition is necessitated by amendment of the claims.

Date July 11, 2007

NIR BETSER

Type name of inventor being added

Signature

Nir Betser

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

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37 C.F.R. 1.8(a)

- ☒ with sufficient postage as first class mail.

37 C.F.R. 1.10\*

☐

as "Express Mail Post Office to Address"

Mailing Label No. \_\_\_\_\_ (mandatory)

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Date:

28 Sept 2007

Signature

CLIFFORD J. MASS

(Type or print name of person certifying)

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

CONSENT OF ASSIGNEE TO CORRECTION (DELETION  
AND/OR ADDITION) OF INVENTOR(S)

Assignee: BIOCONTROL MEDICAL LTD.

(type or print name of assignee)

3 Geron Street, Yehud 56100, Israel

Address

Assignment

[ X ] recorded on 3 JUNE 2002

Reel 012960

Frame 0594

[ ] recorded herewith.

[ ] A separate "ASSIGNMENT" (DOCUMENT) COVER SHEET  
is attached.

or

[ ] FORM PTO 1595 is attached.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(u))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

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with sufficient postage as first class mail in an  
envelope addressed to the Commissioner for  
Patents, P. O. Box 1450, Alexandria, VA 22313-  
1450.

Date: 28 Sept 2007

FACSIMILE

☐ transmitted by facsimile to the Patent and  
Trademark Office to (571)-273-8300.

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

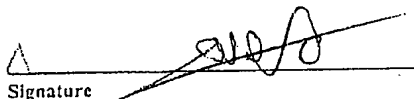
(Consent of Assignee to correction and/or Addition of Inventor(s)--page 1 of 2) 1-1b 9-23

Assignee hereby consents to the correction of inventorship of the attached Request.

ASSIGNEE CERTIFICATION

A "STATEMENT UNDER 37 C.F.R. section 3.73(b)" is attached.

Date 20 Sep 07

  
Signature  
Ehud Cohen, CEO  
(type or print name and title of person authorized  
to sign on behalf of assignee)

BioControl Medical (B.C.M.) LTD.



Practitioner's Docket No. U 014996-9

PATENT

Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

---

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

---

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

- ☐ original.  
☐ design.

NOTE: With the exception of a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration is not treated as an amendment under 37 CFR 1.312 (Amendments after allowance). M.P.E.P. Section 714.16, 7<sup>th</sup> Ed.

- ☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach **ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P**.

NOTE: See 37 C.F.R. Section 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.

- ☐ divisional.  
☒ continuation.

NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. Section 1.53(b) (application filing requirements-nonprovisional application).

- ☐ continuation-in-part (C-I-P).

(Declaration and Power of Attorney--page 1 of 8) 1-1

## INVENTORSHIP IDENTIFICATION

**WARNING:** *If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

## TITLE OF INVENTION

LOW POWER CONSUMPTION IMPLANTABLE PRESSURE SENSOR

## SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b), or (c))

(a) ☐ is attached hereto.

**NOTE:** *"The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

*"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;*

*"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or*

*"(3) name of inventor(s), and title which was on the specification as filed."*  
*Notice of July 13, 1995 (1177 O.G. 60).*

(b) ☒ was filed on January 20, 2004, ☐ as Application No. 10/761,005  
☐ and was amended on \_\_\_\_\_ (if applicable).

**NOTE:** *Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. Section 1.67.*

**NOTE:** *"The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

*(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);*

*(B) serial number and filing date;*

*(C) attorney docket number which was on the specification as filed;*

*(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration;*  
*or*

*(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.*

*M.P.E.P. § 602, 8th ed.*

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- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

#### SUPPLEMENTAL DECLARATION (37 C.F.R. Section 1.67(b))

*(complete the following where a supplemental declaration is being submitted)*

☐ I hereby declare that the subject matter of the

☐ attached amendment

☐ amendment filed on \_\_\_\_\_.

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

#### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56,

*(also check the following items, if desired)*

☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. Section 1.98.

#### PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))

NOTE: 37 C.F.R. § 1.55 Claim for foreign priority.

*"(a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b).*

*(1)(i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing. The time period in this paragraph does not apply to an application for a design patent.*

*(ii) In an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT."*

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(2) The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) or PCT Rule 17 must, in any event, be filed before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by the processing fee set forth in § 1.17(f), but the patent will not include the priority claim unless corrected by a certificate of correction under 35 U.S.C. 255 and § 1.323.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☒ no such applications have been filed.  
 (e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
 (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
 AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY MONTH YEAR	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO



CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. Section 119(e))

NOTE: 35 U.S.C. 119(e)(1) requires that a nonprovisional application be filed within twelve months of the filing date of the provisional application for the nonprovisional application to claim the benefit of the filing date of the provisional application. Under 35 U.S.C. 21(b) and 119(e)(3), if this twelve-month period expires on a non-business day, it is extended to expire on the next business day.

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER  
DATE

FILING

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. SECTION 120

[ x ] The claim for the benefit of any such applications are set forth in the attached  
ADDED PAGES TO COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-  
PART (C-I-P) APPLICATION.

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. Section 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

JOHN RICHARDS, 31053

JULIAN H. COHEN, 20302

RICHARD J. STREIT, 25765

WILLIAM R. EVANS 25858

PETER D. GALLOWAY, 27885

JANET I. CORD, 33778

RICHARD P. BERG, 28145

CLIFFORD J. MASS, 30086

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(Check the following item, if applicable)

- [X] I hereby appoint the practitioner(s) associated with the Customer Number provided above and below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Customer No. 00140

- [ ] Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

NOTE: "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4)." Section 601.03, M.P.E.P., 7th Ed

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:  
(Name and telephone number)

Customer No.:



00140

PATENT TRADEMARK OFFICE

Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

CLIFFORD J. MASS  
212-708-1890

(complete the following if applicable)

This is the filing of [ ] continuation [ ] divisional and there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

#### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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# SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other document.  
 NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 C.F.R. Section 1.63(a)(3).  
 NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

Full name of sole or first inventor

EHUD (Given Name) COHEN (Family (Or Last Name))  
 (Middle Initial or Name)  
 Inventor's signature (X) [Signature]  
 Date (X) 20 Sep 07 Country of Citizenship ISRAEL  
 Residence 8 HACARMEL STREET, GANEI TIKVA 55900, ISRAEL  
 Post Office Address SAME AS ABOVE

Full name of second joint inventor, if any

Shai (Given Name) Moshe (Middle Initial or Name) Vaingast (Family (Or Last Name))  
 Inventor's signature (X) [Signature]  
 Date (X) 11 July 07 Country of Citizenship ISRAEL  
 Residence 10 MOSHE DAYAN STREET, YEHUD, ISRAEL  
 Post Office Address SAME AS ABOVE

Full name of third joint inventor, if any

NIR (Given Name) BETSER (Family (Or Last Name))  
 (Middle Initial or Name)  
 Inventor's signature [Signature]  
 Date 11 July 2007 Country of Citizenship ISRAEL  
 Residence 37 MOHLIVER ST., YEHUD, ISRAEL  
 Post Office Address SAME AS ABOVE

(Declaration and Power of Attorney--page 7 of 8) 1-1

*(check proper box(es) for any of the following added page(s)  
that form a part of this declaration)*

☐ Signature for fourth and subsequent joint inventors. Number of pages added \_\_\_\_\_

\* \* \*

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_

\* \* \*

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. Section 1.47. Number of pages added \_\_\_\_\_

\* \* \*

☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 C.F.R. Section 1.47)

\* \* \*

☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☒ Number of pages added 5

\* \* \*

☐ Authorization of practitioner(s) to accept and follow instructions from representative.

*(If no further pages form a part of this Declaration,  
then end this Declaration with this page and check the following item)*

☐ This declaration ends with this page.

(Declaration and Power of Attorney--page 8 of 8) 1-1

Practitioner's Docket No. U 014996-9

ADDED PAGE TO COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION  
OR C-I-P APPLICATION

*(complete this part only if this is a divisional, continuation or C-I-P application)*

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. § 120

I hereby claim the benefit, under Title 35, United States Code, § 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information

- ☒ that is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following item, if desired)*

- ☐ and that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent,

that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application. (37 CFR 1.63(e)).

*(also check the following item, if desired)*

- ☐ In compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. 1.98.



PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC § 120:				
U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 10/076,869	JANUARY 20, 2004	X		
2. 09/996,668	NOVEMBER 29, 2001	X		
3.				
PCT APPLICATION DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NOS. ASSIGNED ( <i>If any</i> )		
4.				
5.				
6.				
7.				
8.				

(Added Page to Combined Declaration and Power of Attorney for Divisional Continuation  
or C-I-P Application—page 2 of 3) 1-2.1





35 USC § 119 PRIORITY CLAIM, IF ANY,  
FOR ABOVE LISTED U.S./PCT APPLICATIONS

ABOVE APPLICATION NO.	DETAILS OF APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 USC § 119		
<i>please indicate appropriate PCT application no.</i>	Country and Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

(Added Page to Combined Declaration and Power of Attorney for Divisional Continuation  
or C-I-P Application—page 3 of 3) 1-2.1